

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-25 are pending, Claims 1, 2, 4-11 having been amended, and Claims 12-25 having been added by way of the present amendment.

In the outstanding Office Action, Figures 5 and 7A were objected to; and Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sogabe et al. (U.S. Patent No. 6,611,534, hereinafter Sogabe) in view of Wehrenberg (U.S. Patent No. 6,523,113).

In reply, filed herewith is a separate letter requesting entry of new drawings, fixing the typographical errors in Figures 5 and 7A.

Turning to the rejection of Claim 1, Applicants respectfully traverse the rejection. Amended Claim 1 is directed to a transmitter device which transmits first data to a receiver by driving a recording medium that stores the first data and second data. The second data describes a limitation on the usage of the first data. The transmitter includes means for storing a check value calculated on the basis of the second data. Communication means transmit the second data to the receiver while receiving a check value calculated on the basis of the second data from the receiver device. Determination means determines whether the check value of the second data received by the communication means matches the check value of the second data stored in the storage medium so as to detect whether the second data has been tampered with or not. Amendments made to Claim 1 have been added to help clarify what is being defined by Claim 1, and no new matter has been added.

The outstanding Office Action asserts that Sogabe discloses all the features of Claim 1, except for “using the second data as part of the authentication process of the source device”. Sogabe describes a source device and a sink device that mutually authenticate to one another and make an encrypted control key that is shared between the two devices.

When using the control key, an encrypted content key and encrypted contents are transmitted, decrypted, and reproduced. Applicants agree that Sogabe does not disclose using the second data, or a check value calculated on the basis of the second data, as claimed.

Wehrenberg is asserted for its description of control data (second data) that describes a limitation on the usage of the first data during an authentication process. More particularly, Wehrenberg uses a watermark value (never copied, or copied once) that is inserted into the recorded data. If this watermark value is equal to the decrypted permission key received from a transmitter after authentication, recording of data that has been transmitted is permitted.

However, neither Sogabe nor Wehrenberg describe a system in which the systems check whether copy protected data is changed by a change value. Moreover, the asserted references do not disclose a relationship between the claimed first data and second data and in particular the use of a check value calculated on the basis of the second data from the receiver device where the check value of the second data received is matched with the check value stored in the storage means so as to detect whether the second data has been tampered with or not. As this limitation has been specifically described in amended Claim 1 and this feature is absent from either Sogabe or Wehrenberg, it is respectfully submitted that Claim 1 as amended patentably defines over the asserted prior art. Although of differing claim scope and/or statutory class, it is respectfully submitted that Claims 2-11, as amended also patentably define over the asserted prior art for substantially the same reasons as discussed above with regard to amended Claim 1.

Claims 12-25 have been added to further clarify the invention. Claims 12-17 correspond generally with Claims 1-4, thus no new matter is added. Furthermore, the language of Claim 12 is believed to be clear and patentably distinguishing over the asserted prior art for the reasons discussed above with regard to amended Claim 1. Therefore, it is

respectfully submitted that the invention defined by Claims 12-17 is patentably distinguishing over the prior art. Claims 18-25 are of different statutory class and/or scope than Claim 12.

However, the substance of these claims contains features like that of Claim 12, which as discussed above, are believed to patentably define over the asserted prior art.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-25, as amended, is patentable distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
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